



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Eighth day of May Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.4517 of 2019

IN

CRL A(MD) No.126 of 2019

DINESHBABU

(NOW CONFINED AT
CENTRAL PRISON, MADURAI)

... PETITIONER/ APPELLANT/
SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAMANATHAPURAM.
CRIME NO.5/2013,
RAMANATHAPURAM DISTRICT.

... RESPONDENT/ RESPONDENT/
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the execution of sentence by granting bail in S.C.No.86/2014 dated 13.03.2019 on the file of the Fast Track Mahila Court, (Principal Sessions Judge), Ramanathapuram, Ramanathapuram District till the disposal of the Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.V.KATHIRVELU, Senior Counsel for MR.K.PRABHU, Advocate for the petitioner and of MRS.S.BHARATHI, Government Advocate (Crl. Side) on behalf of the Respondent, While admitting the CRL A., the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner, who is arrayed as an sole accused, has convicted by the learned trial Judge for the alleged offence under Section 450 IPC, and sentenced him to undergo rigorous imprisonment for a period of five years and fine of Rs.10,000/- in default, to undergo rigorous imprisonment for a period of six months and further convicted him under Section 376 IPC., and sentenced him to undergo rigorous imprisonment for a period of 10 years, to pay a fine of Rs.25,000/- in default, to undergo rigorous imprisonment for a period of one year and further convicted him under Section 5(1) r/w 6 of the POSCO Act, and sentenced him to undergo rigorous imprisonment for a period



of 10 years, to pay a fine of Rs.25,000/- in default, to undergo rigorous imprisonment for a period of one year in S.C.No.86 of 2014, on the file of the Fast Track Mahila Court (Principal Sessions Judge), Ramanathapuram, Ramanathapuram District.

2.The learned counsel appearing for the petitioner submitted that the petitioner/accused is willing to marry the victim girl and hence, the reasons stated in the petition are acceptable. It is further submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

3.It is submitted by the learned Government Advocate (Crl.side) that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and prays for dismissal of this petition.

4.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

5.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence. Accordingly, the substantive sentence of imprisonment alone is suspended till 03.06.2019 on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Fast Track Mahila Court (Principal Sessions Judge), Ramanathapuram, Ramanathapuram District.

(ii) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m.

(iii) The accused and the victim girl are directed to appear before this Court, on 03.06.2019.

sd/-

08/05/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE PRINCIPAL SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.K.PRABHU Advocate SR.No.8149

ORDER
IN
CRL MP (MD) No.4517 of 2019
IN
CRL A (MD) No.126 of 2019
Date :08/05/2019

JM/MMS/SAR 4/10.05.2019/3P/6C